

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

August 12, 2016

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Ref: GL 4513

OAHU

Issuance of Right-of-Entry Permit to Cellco Partnership, dba Verizon Wireless for  
Due Diligence Purposes on Lands Encumbered by General Lease No. 4513,  
Honolulu, Oahu, Tax Map Key: (1) 3-1-042:034.

APPLICANT:

Cellco Partnership, dba Verizon Wireless, a foreign partnership (Applicant).

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Honolulu, Oahu, identified by Tax Map Key: (1)  
3-1-042:034, as shown on the attached map labeled **Exhibit A**.

AREA:

4.291 acres, more or less.

ZONING:

State Land Use District: Urban  
City and County of Honolulu LUO: R-10

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by General Lease No. S-4513, Oahu Special Schools Association, Lessee, expiring on March 14, 2041.

LEASE CHARACTER OF USE:

That the Lessee shall use the premises for the construction and operation of schools, daycare and therapeutic facilities, including athletic facilities, for children and adults with all types of physical, mental and/or emotional disabilities. As an ancillary use, the premises may also be used for educational and/or instructional programs for individuals without disabilities. Services to such individuals with and without disabilities may be provided directly by the Lessee and/or its permitted sublessees on the premises.

CHARACTER OF USE FOR RIGHT-OF-ENTRY:

Due diligence purposes.

TERM OF RIGHT-OF-ENTRY:

Twelve (12) months.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources concurred with by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Class No. 5, that states "Basic data, collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource." (**Exhibit B**)

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>x</u>	NO <u>  </u>
Registered business name confirmed:	YES <u>x</u>	NO <u>  </u>
Applicant in good standing confirmed:	YES <u>x</u>	NO <u>  </u>

APPLICANT REQUIREMENTS:

None

REMARKS:

Background

In April 1973, the Board authorized the issuance of a 65-year lease to Variety Club School ("VCS") and Special Education Center of Hawaii ("SECOH") for the operation and management of school facilities for disabled children. After the lease was signed, the two schools formed Oahu Special Schools Association ("OSSA") and requested the Board consent to the assignment of the lease to OSSA. OSSA has been the lessee since 1982. Under the arrangement, SECOH and VCS are the authorized sublessees of OSSA and operate their programs on the premises separately.

Recently, SECOH and the applicant discussed the feasibility of having a cell phone antenna facility on the SECOH's portion of the subject premises. SECOH plans to enter a sublease agreement [subject to Board's consent] with the applicant for the proposed antenna facility, and use the revenue generated from such sublease as another funding source to the educational programs conducted by SECOH.

The current character of use, without any amendment, would not allow the installation of the proposed antenna facility. Any request for consent to sublease, amendment of character of use, or even a direct issuance of an easement will not be placed on the Board agenda until the environmental assessment under Ch. 343, HRS is completed.

Applicant is willing to conduct the environmental assessment relating to its project, and acknowledges that today's request, if approved, does not commit the Board to any action in the future relating to the lease.

Lessee's concurrence with the subject request is on file. Other than the Division of State Parks (SP), staff did not solicit comments from other agencies at this stage. Staff notes that the subject area is close to the Diamond Head State Monument, but not part of it. SP advises the community may have a concern to the proposed improvement. As the request is for due diligence and community comments/concerns are required in the environmental assessment, staff has no objection to the issuance of a right-of-entry for due diligence purposes

RECOMMENDATION: That the Board

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

2. Authorize the issuance of a right-of-entry permit to Cellco Partnership dba Verizon Wireless covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
  - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson





**TMK (1) 3-1-042:034**

**EXHIBIT A**

**EXEMPTION NOTIFICATION**

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Issuance of Right-of-Entry Permit for Due Diligence Purposes

Project / Reference No.: GL 4513

Project Location: Honolulu, Oahu, Tax Map Key: (1) 3-1-042:034

Project Description: Due diligence pertaining to the preparation of the environmental assessment in anticipation of a new cell phone antenna facility.

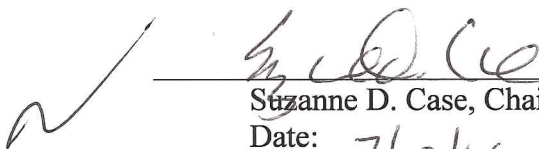
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources concurred with by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Class No. 5, that states "Basic data, collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource."

The request pertains to compliance with the environmental assessment process for the use of State lands. Staff does not expect there will be major alteration in the conditions of the land, water or vegetation at the location resulted from the due diligence.

Consulted Parties Division of State Parks

Recommendation: That the Board find this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

  
Suzanne D. Case, Chairperson

Date: 7/12/16

**EXHIBIT B**